

**Security Council**

Distr.: General
28 March 2006

Original: English

France, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 1595 (2005) of 7 April 2005, 1636 (2005) of 31 October 2005 and 1644 (2005) of 15 December 2005,

Reiterating its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon,

Mindful of the demand of the Lebanese people that all those responsible for the terrorist bombing that killed former Lebanese Prime Minister Rafiq Hariri and others be identified and brought to justice,

Recalling the letter of the Prime Minister of Lebanon to the Secretary-General of 13 December 2005 (S/2005/783) requesting inter alia the establishment of a tribunal of an international character to try all those who are found responsible for this terrorist crime and recalling its request to the Secretary-General in its resolution 1644 (2005) to help the Government of Lebanon identify the nature and scope of the international assistance needed in this regard,

Having examined the report of 21 March 2006 submitted by the Secretary-General pursuant to paragraph 6 of resolution 1644 (2005) (S/2006/176), and welcoming the common understanding reached between the Secretariat and the Lebanese authorities on the key issues regarding the establishment and the main features of a possible tribunal,

Willing to continue to assist Lebanon in the search for the truth and in holding all those involved in this terrorist attack accountable,

1. *Welcomes* the report of the Secretary-General, and requests him to negotiate an agreement with the Government of Lebanon aimed at establishing a tribunal of an international character based on the highest international standards of criminal justice, taking into account the recommendations of his report and the views that have been expressed by Council members;

2. *Acknowledges* that the adoption of the legal basis of, and framework for, the tribunal, would not prejudice the gradual phasing-in of its various components and would not predetermine the timing of the commencement of its operations, which will depend on the progress of the investigation;



3. *Requests* the Secretary-General to update the Council on the progress of the negotiation as he deems appropriate and to submit in a timely manner for consideration of the Council a report on the implementation of this resolution, in particular on the draft agreement negotiated with the Lebanese Government, including options for a funding mechanism appropriate to ensure the continued effective functioning of the tribunal;

4. *Decides* to remain seized of the matter.

**Security Council**

Distr.: General
28 March 2006

Original: English

**Letter dated 24 March 2006 from the Chargé d'affaires a.i.
of the Permanent Mission of the Congo to the United Nations
addressed to the President of the Security Council**

In my capacity as the representative of the current Chairman of the African Union, I have the honour to transmit herewith a communiqué adopted by the 47th meeting of the Peace and Security Council of the African Union, held in Addis Ababa on 21 March 2006, containing its decision on the implementation of the Tripoli Agreement of 8 February 2006 between Chad and the Sudan.

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(Signed) **Pascal Gayama**
Deputy Permanent Representative
Chargé d'affaires a.i.
Permanent Mission of the Congo to the United Nations
Representative of the Current Chairman of the African Union



Annex to the letter dated 24 March 2006 from the Chargé d'affaires a.i. of the Permanent Mission of the Congo to the United Nations addressed to the President of the Security Council

[Original: Arabic, English and French]

PSC/PR/Comm.2(XLVII)
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**COMMUNIQUE OF THE PEACE AND SECURITY COUNCIL ON THE
IMPLEMENTATION OF THE TRIPOLI AGREEMENT OF 8 FEBRUARY 2006
BETWEEN CHAD AND THE SUDAN**

The Peace and Security Council (PSC) of the African Union (AU), at its 47th meeting, held on 21 March 2006, adopted the following decision on the implementation of the Tripoli Agreement of 8 February 2006 between Chad and the Sudan:

Council,

1. **Recalls** decision PSC/MIN/Comm (XLVI) adopted at its 46th meeting held on 10 March 2006, requesting the Commission, *inter alia*, to prepare and submit proposals on how best AMIS can assist in the implementation of the Tripoli Agreement;
2. **Takes note** of the report of the Chairperson of the Commission on the Implementation of the Tripoli Agreement of 8 February 2006 between Chad and the Sudan [PSC/PR/3(XLVII)], including the request made to the AU by the meeting of the Chiefs of General Staff and Directors of External Security held in Tripoli on 13 March 2006 that AMIS provide security for the observer posts to be established on Sudanese territory as part of the implementation of the Tripoli Agreement, as well as medical, food, air transport, communication and training assistance to the observer teams, within the limits of available resources;
3. **Requests** the Commission to continue to explore all possible options to support the implementation of the Tripoli Agreement, including support by AMIS, taking into consideration the Mission's current capabilities, particularly with respect to logistics and financial resources, the legal aspects involved, as well as the views of the Troop Contributing Countries (TCCs), and to report to it as soon as possible to enable it take a decision on the issue.

**Security Council**

Distr.: General
28 March 2006

Original: English

Letter dated 28 March 2006 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council

I have the honour to draw the attention of the Security Council to the recent developments in the conflict resolution process in Abkhazia, Georgia.

First of all I would like to thank the Secretary-General for the recent report. I am extending my appreciation to Special Representative of the Secretary-General and the head of the United Nations Observer Mission in Georgia (UNOMIG), Heidi Tagliavini, for her continued and tireless efforts to move the process forward. UNOMIG is in fact the single effective international mechanism for conflict resolution, and the continuation of its duty plays a crucial role. However, this body does not have the authority necessary to achieve on its own a full-scale political settlement of the conflict.

It is rather unusual to have a Security Council meeting on the situation in Georgia in March. The reason is well-known — during January, it happened to be impossible to achieve consensual language on a draft resolution and subsequently a roll-over resolution was adopted. Now, due to intense negotiations held by the Group of Friends of the Secretary-General in Geneva and Berlin, the text of a new draft is almost agreed. Although the final language has not yet been achieved, there still is a hope that the main principles agreed in the previous resolutions of the Security Council will be maintained. These principles are well-known — sovereignty and territorial integrity of Georgia, defining the status of Abkhazia within the State of Georgia, non-acceptance of a violent or military solution and the return of refugees and internally displaced persons. We appeal to the Friends of the Secretary-General to adhere to those cornerstone principles, as according to our information not all of them are eager to keep that in the resolution language.

The Government of Georgia is continually emphasizing its new approach towards peaceful conflict resolution, which is based on accepting the realities on the ground and the interests of all involved parties. Our new approach to building peace means, as a first step, opening a direct dialogue with the Abkhaz leadership, without intermediaries.

We continue to work towards a full-scale political settlement, based on universally recognized principles of international law and the Universal Declaration of Human Rights, as well as on recognition of the rights of all Georgians, Abkhaz and other ethnic groups who lived in the conflict zone before violence erupted.



It is noteworthy that due to our efforts there have been positive developments in our bilateral relations. The possibility of economic exchange looks increasingly promising. The preliminary work for the rehabilitation of the Abkhaz segment of the Georgian railway has been carried out through the cooperation of Georgian and Abkhaz specialists. Another example is the collaboration between Georgian and Abkhaz specialists in the Enguri hydroelectric power station.

A focus on helping the population of Abkhazia out of isolation represents one of the most significant elements of the Government of Georgia's new approach. The end of isolation will in turn facilitate democratic processes and create an atmosphere of mutual trust and respect between our societies.

Not everything in the conflict resolution process could be described in such an optimistic colour. Even more, I would say that nothing is moving in the right direction except the above-mentioned bilateral relations. And the most troublesome in the peacekeeping operation itself, which is mostly conducted by the Commonwealth of Independent States (CIS), is carried out entirely by Russian military forces.

One can observe an increasing public distrust of the Russian peacekeeping forces in Georgian society. Part of this distrust is due to past efforts by the Russian peacekeepers to set the region and the rest of Georgia against each other. But a large part of the new distrust comes from a recognition that the existing format of the peacekeeping operations is simply no longer adequate to facilitate real reconciliation. When one considers that the majority of the population of Abkhazia has been granted Russian citizenship, it becomes clear that the peacekeeping force is not an impartial international formation carrying out the responsibilities spelled out in its mandate, but rather a force that works to artificially alienate the sides from one another. This, in turn, casts doubt on the effectiveness of the peacekeeping process carried out under the aegis of the United Nations.

Under the current peacekeeping format, the separatist Government is being steadily armed with modern military equipment. In 2005, with what we know was direct financial and material aid by the Russian defence and security services, no less than six large-scale military manoeuvres were carried out on the territory of Abkhazia, precisely in the zone of restricted armament. The militarization of the region, facilitated by the efforts of the Russian Federation, is rapidly consolidating the destructive potential of the *de facto* regime of Abkhazia.

There is an alarming trend in the increasing number of criminal offences where evidence shows that the culprits were the peacekeepers themselves. By our measure, in fact, 9 per cent of the total number of criminal acts in Abkhazia during the past year were committed by peacekeepers. From the beginning of the peacekeeping operation until the end of 2005, almost 2,000 persons were killed on the territory controlled by CIS peacekeepers, the overwhelming majority of those killed were ethnic Georgians. Already this year, three Georgians living in the conflict zone were shot with inhuman cruelty by Abkhaz police forces. There are cases where local criminals and peacekeepers have colluded, resulting in raids, trafficking and killing of ethnic Georgian civilians.

A major shift for the worse has been under way in the position of the Russian Federation as conflict mediator. These changes give the impression that this

particular member State of the Group of Friends is not so averse to the eventual annexation of the separatist regions as it outwardly claims.

The recent statements by high Russian officials suggesting the revision of Georgia's territory based on the Kosovo model are completely unacceptable to us, as they must be to the international community. This reckless and illogical intention threatens universally recognized principles of international law, and consequently fully undermines the role of the Russian Federation as an unbiased participant in the peace process. These statements once again make clear that what we are dealing with is not fundamentally an ethnic conflict, but rather one stemming from the Russian Federation's territorial ambitions against Georgia.

The Russian Federation continues seizing property in Abkhazia. I deliberately used the term "seizure" to describe the process of illegal acquisition of property, including possessions of internally displaced persons, by Government bodies and legal and physical persons of the Russian Federation. Needless to say, these acts are carried out in violation of international law and infringe the sovereignty of Georgia. They run counter to the resolutions of the Parliament of Georgia that have declared any transaction made with the Abkhaz separatist regime null and void.

No one can benefit from his own illegal acts, as we are told by international law. It appears that the imperative has its limitations if it concerns a permanent member of the Security Council. We are compelled to state again that the assumption of political and military control, together with the illegal seizure of property in Abkhazia, is having an effect, but of annexation. I have to make it clear that this process of indirect annexation of Abkhazia by the Russian Federation continues unabated.

Despite the current situation, we remain committed to the peaceful resolution of the conflict. From this commitment, we consider peace negotiations that aim to resolve issues of territorial integrity to be a vital process.

The surface calm that we observe in the region nowadays is only the appearance of stability, belied by the increasing militarization and unprecedented abuse of human rights.

It is our belief that the United Nations has the capacity to alter the peace process and move it into a new phase where true progress will become possible. We are certain that effective conflict resolution with Abkhazia requires changes in the current peacekeeping format and that there is a need to start a fundamentally new international peacekeeping operation. Moreover, it is noteworthy that the Parliament of Georgia is calling upon the Government for the re-evaluation of the rationale behind the Russian-led CIS peacekeeping operation in the conflict settlement process.

I must remind you that such an option was seriously considered by the Security Council at the very early stage of the discussions on the situation in the conflict zone. The report of the Secretary-General of 25 January 1994 (S/1994/80, para. 22) clearly states:

If in these circumstances the Security Council decides that a larger international military presence in Abkhazia is desirable both to consolidate the ceasefire and to create conditions for the return of refugees and displaced persons, that presence could take a number of possible forms. Two in

particular have been discussed with my Special Envoy and with the group of Member States that have constituted themselves as the "Friends of Georgia". These two options are as follows:

(a) *Option 1.* The Council could establish a traditional United Nations peacekeeping force, under United Nations command and control, to operate initially in the areas of the Gali region and the Inguri and Psou rivers in order to carry out an effective separation of forces, to monitor the disarmament and withdrawal of armed units and, by its impartial presence in the Gali region, to help to create conditions that would be conducive to the return of refugees and displaced persons. The Russian Federation has informally circulated a proposal for the establishment of such an operation. Its preliminary calculation is that, in order to be effective, such a force might be in the order of 2,500 troops. In accordance with normal United Nations practice, this would be a multinational force and no one country would contribute more than about one third of its strength;

(b) *Option 2.* The Council could authorize a multinational military force, not under United Nations command and consisting of contingents made available by interested Member States, including the Russian Federation, to carry out the functions described in option 1 above. UNOMIG would be kept in being and entrusted with the tasks of monitoring the operations of the multinational force, liaising with the local authorities in Abkhazia and observing developments on the ground ...

Unfortunately, the second option was chosen, which appeared to be a historical mistake. It is time to rectify this wrong decision and turn the process towards introducing a real United Nations peacekeeping operation, thus opening the way to solving the conflict.

Once more, Georgian society as well as the international community have been waiting far too long for Abkhaz actions on a credible internally displaced person and refugee return process. It is about time for the United Nations to consider new options for how to set this process in motion.

I should be grateful if you would have the text of the present letter circulated as a document of the Security Council.

(Signed) Revaz Adamia
Ambassador
Permanent Representative

**Security Council**

Distr.: General
28 March 2006

Original: English

Draft resolution

The Security Council,

Recalling its previous resolutions concerning the situation in Sudan, in particular resolutions 1651 (2005) of 21 December 2005, 1591 (2005) of 29 March 2005, and 1556 (2004) of 30 July 2004 and statements of its President concerning Sudan,

Stressing again its firm commitment to the cause of peace throughout Sudan, including through the African Union-led inter-Sudanese peace talks in Abuja, Nigeria ("Abuja Talks"), full implementation of the Comprehensive Peace Agreement of 9 January 2005, and an end to the violence and atrocities in Darfur,

Urging all parties at the Abuja Talks to reach without further delay an agreement that will establish a basis for peace, reconciliation, stability and justice in Sudan,

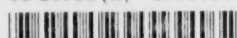
Commending the efforts of, and reiterating its full support for, the African Union, the Secretary-General, and the leaders of the region to promote peace and stability in Darfur,

Taking note of the observations and recommendations contained in the 9 December 2005 report (S/2006/65) of the Panel of Experts appointed by the Secretary-General pursuant to paragraph 3 (b) of resolution 1591 (2005) and extended by paragraph 1 of resolution 1651 (2005), anticipating the receipt of the Panel's second report currently under consideration by the Committee established pursuant to paragraph 3 (a) of resolution 1591 (2005), and expressing its intent to study the Panel's recommendations further and to consider appropriate next steps,

Emphasizing the need to respect the provisions of the Charter concerning privileges and immunities, and the Convention on the Privileges and Immunities of the United Nations, as applicable to United Nations operations and persons engaged in such operations,

Reaffirming its commitment to the sovereignty, unity, independence and territorial integrity of Sudan, and recalling the importance of the principles of good neighbourliness, non-interference and cooperation in the relations among States in the region,

Determining that the situation in Sudan continues to constitute a threat to international peace and security in the region,



Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend until 29 September 2006 the mandate of the Experts originally appointed pursuant to resolution 1591 (2005) and extension 1651 (2005), and *requests* the Secretary-General to take the administrative measures;
2. *Requests* the Panel of Experts to provide no later than 90 days after adoption of this resolution a midterm briefing on its work to the Council established pursuant to paragraph 3 (a) of resolution 1591 (2005), and a final report no later than 30 days prior to termination of its mandate to the Council, including findings and recommendations;
3. *Urges* all States, relevant United Nations bodies, the African Union and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal for the implementation of the measures imposed by resolution 1591 (2005) and extension 1556 (2004);
4. *Decides* to remain actively seized of the matter.



Security Council

Distr.: General
29 March 2006

Original: English

Letter dated 28 March 2006 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the decision of the Peace and Security Council of the African Union adopted at its 40th meeting, on 6 October 2005, in Addis Ababa and to Security Council resolution 1633 (2005) of 21 October 2005, under which an international working group was created to assist the Government of Côte d'Ivoire in the implementation of its programme and to consolidate and strengthen existing follow-up mechanisms.

Please find attached the text of the final communiqué issued by the International Working Group following its fifth ministerial meeting held in Abidjan on 17 March 2006 (see annex).

(Signed) Kofi A. Annan



Annex

Fifth ministerial meeting of the International Working Group on Côte d'Ivoire

[Original: English and French]

Final communiqué

1. The fifth ministerial level meeting of the International Working Group was held in Abidjan on 17 March 2006, under the co-chairmanship of H.E. Mr. Rodolphe Adada, Minister for Foreign Affairs and Francophonie of the Congo, and Mr. Pierre Schori, Special Representative of the United Nations for Côte d'Ivoire. In attendance were Ministers of Benin, France, Ghana, Guinea, Niger, Nigeria and South Africa, as well as the High Representative for the elections in Côte d'Ivoire, the ECOWAS Executive Secretary, and representatives of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the African Union, the European Union, the Organisation internationale de la Francophonie and the World Bank.

2. The Prime Minister briefed the Group on the outcome of the meeting organized on 28 February in Yamoussoukro with the main Ivorian political leaders, which provided a new impetus to the peace process. The Prime Minister also briefed the Group on the progress achieved in the implementation of the road map, in particular regarding the first meeting of the entire Cabinet; the functioning of the Independent Electoral Commission; the preparation for the commencement of the identification process and of the disarmament, demobilization and reintegration programme; and the security measures required to preserve the independence of the Radio Télévision ivoirienne and to guarantee, throughout the entire national territory, its broadcasts, as well as unhindered and equitable access by all the political forces. The Group notes with satisfaction the holding of school examinations in the north of the country.

3. The Group congratulates the Prime Minister for the initiatives he has taken, in consultation with the Head of State, to create a climate of confidence conducive to expediting the implementation of the road map. The Group congratulates the political leaders for the meeting of 28 February in Yamoussoukro and welcomes the new spirit of dialogue, which is beginning to prevail among the Ivorian political class. The Group urgently calls on the political leaders to fully comply with the commitments made in Yamoussoukro, namely to maintain the dialogue among them, with a view to finding solutions to difficulties that might arise in the course of the peace process. The political leaders should also promote the spirit of Yamoussoukro among their followers and ensure that everyone, including the media, desist from any incitement to hatred and violence and contribute positively to the peace and national reconciliation process.

4. The Group was briefed by the Chairman of the Independent Electoral Commission who was accompanied by his Vice-Chairs. The Chairman outlined the activities of the Commission. The Group noted with satisfaction the establishment of the bureau of the Independent Electoral Commission.

5. The Group urges the Independent Electoral Commission to take all necessary measures to ensure that the elections are held as scheduled, no later than 31 October

2006. In this regard, the Group noted that it would be particularly urgent to complete the process of identification and establishment of electoral lists and welcomes the decision to conduct them simultaneously.

6. After a briefing by the High Representative for the elections, Mr. Antonio Monteiro, at the end of his mission, the International Working Group thanked and congratulated him for the efforts which he undertook and that led to the establishment of the Independent Electoral Commission. The Group wished that the Secretary-General would designate a successor as soon as possible to pursue the preparation of the elections within the indicated time frame.

7. The Group reaffirms that the disarmament, demobilization and reintegration process should commence urgently. It welcomes the resumption of the dialogue between the Chiefs of Staff of the Forces de défense et de sécurité and the Forces armées des forces nouvelles in order to resolve all problems relating to disarmament, demobilization and reintegration and the restructuring of the defence and security forces of Côte d'Ivoire.

8. The Group expresses its deep concern about the repeated obstructions to the freedom of movement of the impartial forces in violation of paragraph 4 of resolution 1643 (2005), as recalled by the sanctions committee of the Security Council. The Group underscores the imperative of facilitating the immediate redeployment of the troops of the United Nations Operation in Côte d'Ivoire to the Western part of the country to enable them to pursue their peace and security mission as mandated by the Security Council. In this regard, the Group notes with satisfaction that their return to this part of the country is imminent. In addition, it underscores that the return of the humanitarian agencies to that region is absolutely essential to facilitate the resumption of assistance to the most vulnerable groups. The Group calls for the return of the region to civilian authority.

9. The International Working Group strongly condemns the persistent violations of human rights, in particular the attacks against ministers. It considers that such acts seriously undermine the atmosphere of trust, which must be restored to enhance the spirit of reconciliation among all Ivorians. It urgently calls on the Ivorian parties to combat the growing impunity in the country.

10. The Group welcomes the important financial and other assistance provided by some donors in support of the implementation of the road map. The Group calls on other potential donors to consider providing assistance to the Government on the basis of a detailed budget, in particular with respect to disarmament, demobilization and reintegration, the identification process, the elections and the rehabilitation of the Radio Télévision ivoirienne infrastructure.

11. The Group reiterates its call on all the Ivorian parties to cooperate closely with it in order to facilitate the implementation of the peace process.

12. The Group will hold its next meeting on 20 April 2006 in Côte d'Ivoire.

**Security Council**

Distr.: General
29 March 2006

Original: English

**Letter dated 24 March 2006 from the Permanent Representative
of the Islamic Republic of Iran to the United Nations addressed
to the Secretary-General**

Upon instructions from my Government and with reference to the letter dated 13 March 2006 from the Permanent Observer of the League of Arab States to the United Nations and its annex addressed to the President of the Security Council (S/2006/168), I have the honour to state the following:

The Islamic Republic of Iran categorically rejects the contents of the annex of the aforementioned letter regarding the claims of the United Arab Emirates over the Iranian islands of Abu-Musa, the Greater Tunb and the Lesser Tunb, and reiterates that these islands are and will remain integral and eternal parts of Iranian territory. The Government of the Islamic Republic of Iran continues to emphasize its principled position on the importance of the continuation of positive and constructive negotiations between the Iranian Government and the relevant officials of the United Arab Emirates in order to expand the bilateral relations and to remove any misunderstanding between the two countries with regard to the implementation of the 1971 memorandum of understanding between Iran and Sharja.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) M. Javad Zarif



**Security Council**Distr.: General
29 March 2006

Original: English

**Letter dated 15 March 2006 from the Secretary-General
addressed to the President of the Security Council**

As you are aware, the mandate of my Special Representative for the Great Lakes Region, Ibrahima Fall, will expire at the end of the month. In close cooperation with the African Union and with the support of the Group of Friends of the Great Lakes Region, my Special Representative has contributed significantly to the process of the International Conference on the Great Lakes Region, which represents an important step forward towards confidence-building and the consolidation of peace and security in the region.

Security Council resolution 1653 (2006) "encourages [the countries of the region], in partnership with the Special Representative of the Secretary-General and other stakeholders, to finalize the preparations for the second Summit to be held in Nairobi". Depending on the timely holding of elections in the Democratic Republic of Congo, the second summit is expected to be held in September 2006.

In view of the above, it is my intention to extend the mandate of my Special Representative for the Great Lakes Region until 30 September 2006. I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Kofi A. Annan



**Security Council**

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29 March 2006

Original: English

Letter dated 29 March 2006 from the President of the Security Council addressed to the Secretary-General

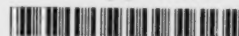
I have the honour to inform you that your letter dated 15 March 2006 (S/2006/192) concerning your intention to extend the mandate of your Special Representative for the Great Lakes Region until 30 September 2006 has been brought to the attention of the members of the Security Council. They take note of the information and intention expressed in your letter.

The members of the Security Council also took note of the recommendation in your report on the preparations for the International Conference on the Great Lakes Region (S/2006/46) that "more prioritization should and could be done". In this regard, they encourage your Special Representative to focus on three priorities in fulfilling his mandate:

- (a) To assist the countries of the region to convene the second Summit of Heads of State and Government of the International Conference on the Great Lakes Region at the earliest opportunity and to include a clear focus on peace and security issues;
- (b) To facilitate adoption by the countries of the region of a security, stability and development pact;
- (c) To support the core countries in ensuring that the planned, regionally led follow-up mechanism is fully operational by the time of the second Summit and to take the necessary steps to transfer residual United Nations responsibilities to the core countries.

In addition, Council members requested that if the second Summit is not convened in September, that they have a further and early opportunity to review the Special Representative's mandate.

(Signed) César Mayoral
President of the Security Council





Security Council

Distr.: General
29 March 2006

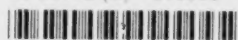
Original: English

Letter dated 24 March 2006 from the Secretary-General addressed to the President of the Security Council

Further to my letter of 20 December 2005 (S/2005/847) and recent discussions between the Secretariat and the Permanent Representative of Iraq to the United Nations, I have decided to extend the Office of the Independent Inquiry Committee until 31 December 2006. The Office will continue to have the exclusive function of handling enquiries from duly authorized law enforcement authorities of Member States seeking to follow up on the findings of the final report of the Committee.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council for their information.

(Signed) Kofi A. Annan





Security Council

Distr.: General
29 March 2006

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Letter dated 28 March 2006 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 24 March 2006 (S/2006/194) concerning your decision to extend the Office of the Independent Inquiry Committee until 31 December 2006 has been brought to the attention of the members of the Security Council. They take note of the information and decision contained in your letter.

(Signed) César **Mayoral**
President of the Security Council



**Security Council**

Distr.: General
29 March 2006

Original: English

Letter dated 28 March 2006 from the President of the Security Council addressed to the Secretary-General

With reference to your report on the United Nations Office in Timor-Leste (UNOTIL) (S/2006/24), in which you describe the challenges facing Timor-Leste, especially the presidential and parliamentary elections in 2007, which are of major importance, and welcome the Security Council's suggestions, I have the honour to convey the views of the members of the Council regarding ways and means of assisting Timor-Leste to meet the challenges ahead.

The members of the Council took into consideration the letters addressed to you from Mari Alkatiri, Prime Minister of Timor-Leste, dated 20 January 2006 (S/2006/39) and José Ramos-Horta, Foreign Minister of Timor-Leste, dated 2 March 2006 (S/2006/157, annex, enclosure).

The members of the Security Council, acknowledging the encouraging pace of the handover of the functions of UNOTIL, request you to present by mid-April options for post-UNOTIL assistance to Timor-Leste by the United Nations, including coordination with other international actors, taking into account that peace and democracy in Timor-Leste need to be further consolidated, with due consideration paid to the following elements:

- (a) The best modality for assisting Timor-Leste in all aspects concerning the organization of the 2007 elections;
- (b) The maximum use of and efficient coordination with existing and forthcoming bilateral and multilateral assistance to Timor-Leste in post-conflict peacebuilding and capacity-building, including in the field of human rights and the rule of law;
- (c) Respect for the sovereignty of Timor-Leste, particularly bearing in mind that the rules and processes governing the national elections should be part of a broad national consensus;
- (d) The report of the United Nations needs assessment mission on the issues and challenges of the people and Government of Timor-Leste as they prepare for the first post-independence national elections in 2007.

(Signed) César Mayoral
President of the Security Council





Security Council

Distr.: General
29 March 2006

Original: English

**Letter dated 20 March 2006 from the Permanent
Observer of Palestine to the United Nations addressed
to the President of the Security Council**

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council, which will be held on Thursday, 30 March 2006, regarding the situation in the Middle East, including the Palestinian question.

(Signed) Dr. Riyadh **Mansour**
Ambassador

Permanent Observer of Palestine to the United Nations





**General Assembly
Security Council**

Distr.: General
29 March 2006

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General Assembly
Sixtieth session
Agenda item 19
Question of Cyprus

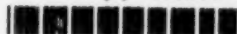
Security Council
Sixty-first year

**Letter dated 28 March 2006 from the Permanent
Representative of Turkey to the United Nations addressed
to the Secretary-General**

I have the honour to transmit herewith a letter dated 28 March 2006 addressed to you by Reşat Çakar, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(Signed) Baki İlkin
Ambassador
Permanent Representative



Annex to the letter dated 28 March 2006 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 22 March 2006 addressed to you by the Greek Cypriot representative and circulated as a document of the General Assembly and of the Security Council (A/60/729-S/2006/177), which yet again contains allegations of violations of the "airspace of the Republic of Cyprus" and the flight information region (FIR) of Nicosia.

In response to such false and pretentious allegations, I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. Furthermore, it should be emphasized that allegations of so-called violations of the flight information region or violations of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services.

As stated in our previous letters, such allegations are based on the false and illegitimate claim that the sovereignty of the Greek Cypriot administration extends over the whole island, including the territory of the Turkish Republic of Northern Cyprus. This claim by the Greek Cypriot side is divorced from the existing realities in Cyprus, namely, the existence of two independent States, each exercising sovereignty and jurisdiction within and above its respective territory on the island.

Attempts by the Greek Cypriot representatives, through often-repeated false claims, to confer legitimacy upon an illegal administration will be futile as long as the Turkish Cypriot people refuse to bow to its writs. What would indeed be conducive to a better climate on the island would be for the Greek Cypriot side to stop arrogating onto itself the rights and responsibilities it does not legally have and to cease all hostilities towards the Turkish Cypriot people.

The Greek Cypriot administration should be reminded, once again, that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey. Following the rejection by the Greek Cypriot side of the United Nations settlement plan, the international community in general and the United Nations in particular is expecting positive moves from the Greek Cypriot administration demonstrating its political will and sincerity for a fair and just settlement in Cyprus. As a first step, the Greek Cypriot administration, without further delay, should heed your call and address with clarity and finality the question you have put to it.

(Signed) Reşat Çağar
Representative
Turkish Republic of Northern Cyprus

**General Assembly
Security Council**Distr.: General
29 March 2006

Original: English

General Assembly
Sixtieth session
Agenda item 157**Security Council**
Sixty-first year**Election of judges of the International Tribunal for the
Prosecution of Persons Responsible for Serious
Violations of International Humanitarian Law
Committed in the Territory of the Former Yugoslavia
since 1991****Identical letters dated 27 March 2006 from the Secretary-General
to the President of the General Assembly and the President of the
Security Council**

I have the honour to transmit a request from the President of the International Tribunal for the Former Yugoslavia ("International Tribunal") that directly relates to its ability to implement its Completion Strategy (see annex). The President has requested that Judge Joaquín Martín Canivell, a national of Spain, be able to continue to serve in the trial in Case No. IT-00-39, *Prosecutor v. Krajišnik*, to which he was appointed as an ad litem judge on 1 May 2003, and which is still ongoing before the International Tribunal, and to see the case through to its completion.

You will recall that Judge Canivell's term of office as a member of the pool of ad litem judges had come to an end on 11 June 2005 and that he was not re-elected as an ad litem judge. However, in response to the request contained in my letter of 6 January 2005 (A/59/666-S/2005/9), the Security Council, by its resolution 1581 (2005) of 18 January 2005, and the General Assembly, by its decision 59/406 B of 20 January 2005, decided, inter alia, that Judge Canivell, once replaced as an ad litem judge of the International Tribunal, should finish the *Krajišnik* case which he had begun before the expiry of his term of office. The Council, by that same resolution, as well as the Assembly, by its decision, took note of the International Tribunal's intention to finish the *Krajišnik* case before the end of April 2006, which would have kept Judge Canivell's service at the International Tribunal within the period of the three years for which ad litem judges are allowed to serve in trials during their term, pursuant to article 13 ter (2) of the statute of the International Tribunal.

The President of the International Tribunal has informed me that the *Krajišnik* case is expected to be completed only by August or September 2006. The reasons for this change are set forth in the President's letter.



Consequently, I would appreciate confirmation from both the Security Council and the General Assembly that Judge Canivell can continue to sit in the *Kraji* case beyond April 2006 and see the case through to its completion, notwithstanding the fact that the cumulative period of his service in the International Tribunal will then attain and exceed three years.

(Signed) Kofi A. Annan

Annex

**Letter dated 22 March 2006 from the President of the
International Tribunal for the Former Yugoslavia to the
Secretary-General**

By the present letter, I wish to bring to your attention the situation of Judge Joaquín Martín Canivell (Spain), who had been elected as an ad litem Judge by the General Assembly at its fifty-fifth session on 12 June 2001 and whose four-year term ended on 11 June 2005.

On 1 May 2003, Judge Canivell was appointed as an ad litem judge to *Prosecutor v. Krajišnik* (Case No. IT-00-39), an ongoing case in which Judge Canivell continues to sit.

In this respect, the Security Council, by resolution 1581 (2005) of 18 January 2005, had specifically authorized Judge Canivell to finish the *Krajišnik* case, notwithstanding the fact that his term as an ad litem judge was to come to an end on 11 June 2005. The Council, by that same resolution, took note of the International Tribunal's intention to finish the *Krajišnik* case before the end of April 2006, which would have kept Judge Canivell's service at the International Tribunal within the period of time for which ad litem judges are allowed to serve in trials during their term, pursuant to article 13 ter (2) of the statute of the International Tribunal, which provides, in relevant part, as follows:

During their term, ad litem judges will be appointed by the Secretary-General, upon request of the President of the International Tribunal, to serve in the Trial Chambers for one or more trials, for a cumulative period of up to, but not including, three years.

Owing to unforeseen circumstances, the *Krajišnik* case is now expected to be completed by August or September 2006, in spite of the fact that the Trial Chamber has made every effort to progress Mr. Krajišnik's trial in the most efficient manner, while respecting the requirements of a fair trial. The Defence for Mr. Krajišnik has faced severe problems organizing its case presentation, owing to Defence staff turnover and the challenge of responding to the Prosecution's long and complex case, among other factors. The Trial Chamber has, as a result, received numerous requests from the Defence for adjournment of the trial. While the Trial Chamber has never fully acceded to these requests, it has found it necessary to grant the Defence small additional amounts of time for case preparation. In the meantime, the Trial Chamber has kept up the pressure on the Defence through a series of written and oral orders.

In addition, it has recently been brought to the Trial Chamber's attention the fact that Mr. Krajišnik's health may be deteriorating as a result of the pressure he is currently under and other factors. This may necessitate further delays. While the Trial Chamber will continue to press for maximum efficiency, it will not be able to bring this trial to a close until it is satisfied that Mr. Krajišnik has had a fair opportunity to defend himself.

As indicated above, Judge Canivell's four-year term as an ad litem judge has come to an end. Furthermore, he is not part of the newly elected pool of ad litem judges. However, as Security Council resolution 1581 (2005), which provides the

legal basis for Judge Canivell's continuing to sit in the *Krajišnik* case, did take note of the International Tribunal's intention to finish the case before the end of April 2006, I would appreciate confirmation from the Council as well as from the General Assembly that he can continue to sit in this case beyond that date and see the case through to its completion, notwithstanding the fact that the cumulative period of his service would then attain and exceed three years.

I would therefore be grateful if you would bring the present letter to the attention of the Security Council as well as the General Assembly for their consideration. Thank you in advance for your action in this regard.

(Signed) Fausto **Pocar**
President

**Security Council**

Distr.: General
30 March 2006

Original: English

**Letter dated 27 March 2006 from the Permanent Representative
of the Islamic Republic of Iran to the United Nations addressed
to the Secretary-General**

Upon instructions from my Government and with reference to the letter dated 15 February 2006 from the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates to the United Nations and the annex thereto (A/60/680-S/2006/108), I have the honour to state that the Islamic Republic of Iran categorically rejects the baseless claims contained therein regarding the Iranian islands of Abu-Musa, the Greater Tunb and the Lesser Tunb, and reiterates that these islands are integral and eternal parts of the Iranian territory; the contents of the annex to the said letter regarding these Iranian islands are totally baseless and void of any legal value.

In line with the Iranian principled position of enhancing stability and tranquillity in the Persian Gulf region as well as in the spirit of good-neighbourly relationships, the Iranian Government has always offered to negotiate with the relevant officials in the United Arab Emirates with a view to removing any misunderstanding between the two countries with regard to the implementation of the 1971 memorandum of understanding between Iran and Sharja.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) M. Javad Zarif



**Security Council**

Distr.: General
30 March 2006

Original: English

France, Germany, Russian Federation, Slovakia, United Kingdom of Great Britain and the United States of America: draft resolution

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1615 of 29 July 2005 (S/RES/1615),

Welcoming the report of the Secretary-General of 17 March 2006,

Supporting the sustained efforts of the Secretary-General and of his Special Representative with the assistance of the Russian Federation in its capacity as facilitator, as well as of the Group of Friends of the Secretary-General and of the OSCE,

Stressing the importance of close and effective cooperation between UNOMIG and the CIS peacekeeping force as they currently play an important stabilizing role in the conflict zone, and *recalling* that a lasting and comprehensive settlement of the conflict will require appropriate security guarantees,

1. *Reaffirms* the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders, and supports all efforts by the United Nations and the Group of Friends of the Secretary-General which are guided by their determination to promote a settlement of the Georgian-Abkhaz conflict only by peaceful means and within the framework of the Security Council resolutions;

2. *Recalls*, with a view to achieving a lasting and comprehensive settlement, its support for the principles contained in the "Paper on Basic Principles for the Distribution of Competencies between Tbilisi and Sukhumi" and welcomes additional ideas that the sides would be willing to offer with a view to conducting creatively and constructively a political dialogue under the aegis of the United Nations;

3. *Calls on* the two sides to make full use of all existing mechanisms as described in the relevant Security Council resolutions in order to come to a peaceful settlement, and to comply fully with previous agreements and understandings regarding ceasefire, non-use of violence and confidence-building measures;

4. *Urges* both parties to finalize without delay the package of documents on the non-use of violence and on the return of refugees and internally displaced persons for the Gali district and to undertake necessary steps to secure the protection and dignity of the civilian population including the returnees;



5. *Calls on* both parties to follow up on their expressed readiness for a meeting of their highest authorities without preconditions;
6. *Urges* the Georgian side to address seriously legitimate Abkhaz security concerns, to avoid steps which could be seen as threatening and to refrain from militant rhetoric;
7. *Urges* the Abkhaz leadership to address seriously the need for a dignified return of IDPs and refugees, including their security and human rights concerns, publicly reassure the local population, particularly in the Gali district, that their residency rights and identity will be respected, and move without delay on implementing past commitments relating to United Nations police advisers, a United Nations human rights sub-office and the language of instruction;
8. *Underlines* that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of UNOMIG, the CIS peacekeeping force and other international personnel and *calls on* both sides to fulfil their obligations in this regard;
9. *Supports* all efforts by the Georgian and Abkhaz sides to engage constructively in economic cooperation as envisaged in the Geneva meetings and complemented by the working groups established in Sochi in March 2003, including, security conditions permitting, the rehabilitation of infrastructure, and welcomes the intention expressed by Germany to host a meeting on economic cooperation and confidence-building measures, pending progress in the conflict resolution process;
10. *Welcomes* the efforts being undertaken by UNOMIG to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, *requests* the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and *urges* troop-contributing countries to take appropriate preventive action including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;
11. *Decides* to extend the mandate of UNOMIG for a new period terminating on 15 October 2006, subject to a review, as appropriate, of its mandate by the Council in the event of changes in security conditions, including changes in the mandate of the CIS peacekeeping force;
12. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of this resolution on the situation in Abkhazia, Georgia, in particular on progress in negotiations on the documents on the non-use of violence and the return of refugees and IDPs;
13. *Strongly supports* the efforts of the Special Representative of the Secretary-General and *calls on* the Group of Friends of the Secretary-General to continue giving her their steadfast and unified support;
14. *Decides* to remain actively seized of the matter.

**Security Council**

Distr.: General
31 March 2006

Original: English

Draft resolution

The Security Council,

Recalling its previous resolutions and statements by its President concerning the situations in Liberia and the subregion, in particular its resolutions 1626 of 19 September 2005 and 1638 of 11 November 2005,

Welcoming the Secretary-General's report of 14 March 2006 (S/2006/159),

Welcoming the inauguration of President Ellen Johnson Sirleaf and the installation of the newly elected Liberian Government,

Emphasizing that significant challenges remain in completing reintegration and repatriation of ex-combatants and restructuring of the Liberian security sector, as well as maintaining stability in Liberia and the subregion,

Expressing its appreciation for the continuing support of the Economic Community of West African States (ECOWAS) and the African Union (AU) for the Liberian Peace process, as well as for financial and other assistance provided by the international community,

Welcoming the transfer of former President Charles Taylor to the custody of the Special Court for Sierra Leone, and renewing its expression of appreciation to Nigeria and its President, Olusegun Obasanjo, for providing for former President Taylor's temporary stay in Nigeria,

Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the mandate of the United Nations Mission in Liberia (UNMIL) shall be extended until 30 September 2006;

2. *Decides* to extend the provisions of paragraph 6 of resolution 1626 (2005) for the period specified in paragraph 1 above;

3. *Reaffirms* its intention to authorize the Secretary-General to redeploy troops between UNMIL and the United Nations Operation in Côte d'Ivoire on a temporary basis in accordance with the provisions of resolution 1609 (2005), as may be needed;

4. *Takes note* of the letter of the Secretary-General addressed to the President of the Security Council dated 22 March 2006 (S/2006/184), and expresses



its determination to review the tasks and the troop level of UNOCI by the end of April 2006, with a view to a decision on its reinforcement;

5. *Requests* the Secretary-General to review his recommendations for a drawdown plan for UNMIL and to present further recommendations in his next regular report to the Council on UNMIL's progress with the implementation of its mandate;

6. *Decides* to remain actively seized of the matter.



**Security Council**

Distr.: General
30 March 2006
English
Original: French

**Letter dated 30 March 2006 from the Permanent
Representative of the Democratic Republic of the Congo
to the United Nations addressed to the President of the
Security Council**

On instructions from my Government, I have the honour to transmit to you herewith the communiqué reporting on the meeting held on 20 March 2006 and presided over by the Head of State, Joseph Kabila, in which the Supreme Defence Council recommended endorsing the initiative for the establishment of a European Union force to reinforce the security arrangements for the electoral process (see annex).

The Democratic Republic of the Congo responds affirmatively to the request made on 27 December 2005 by the United Nations for the deployment of such a force, which would provide support to the United Nations Mission in the Democratic Republic of the Congo throughout the period of the national elections.

For your information, an identical copy of this letter has been sent to the Secretary-General of the United Nations.

I should appreciate it if you would circulate this letter and its annex as Security Council documents.

(Signed) Atoki Ileka
Ambassador
Permanent Representative



**Annex to the letter dated 30 March 2006 from the
Permanent Representative of the Democratic Republic
of the Congo to the United Nations addressed to the
President of the Security Council**

Press communiqué of the Supreme Defence Council

(Palais de la Nation, Kinshasa, Monday, 20 March 2006)

At a meeting held on Monday, 20 March, which was presided over by the Head of State, His Excellency Joseph Kabila, the Supreme Defence Council considered, inter alia, the question of the establishment of a European military contingent at the request of the United Nations.

The Supreme Defence Council began by reaffirming its confidence in the security arrangements already set up by the United Nations Mission in the Democratic Republic of the Congo, the Armed Forces of the Democratic Republic of the Congo and the National Police to ensure security throughout the country before, during and after the elections.

In that connection, a detailed report was made by the Minister of Defence and the Chief of General Staff on the progress of the operation for the integration of our troops, which is considered satisfactory.

However, wishing to strengthen the security arrangements for the electoral process, the Supreme Defence Council recommended, in the light of a report made by the Minister for Foreign Affairs, that the initiative for the establishment of this special European force should be endorsed.

The essentially deterrent nature of this contingent must be underscored.

Lastly, the Supreme Defence Council declared itself open to the idea of an African force, which had been proposed by the Economic Community of Central African States, also as a way of helping to ensure the security of the electoral process.

For the Supreme Defence Council:
(Signed) Adolphe **Onusumba Yemba**
Minister of Defence



Security Council

Distr.: General
31 March 2006

Original: English

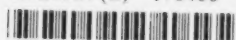
**Letter dated 24 March 2006 from the Chairman of the
Security Council Committee established pursuant to
resolution 1572 (2004) concerning Côte d'Ivoire addressed
to the President of the Security Council**

On behalf of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, and in accordance with paragraph 2 of Security Council resolution 1632 (2005), I have the honour to transmit herewith an update report of the Group of Experts on Côte d'Ivoire.

I would appreciate it if the present letter, together with the report, were brought to the attention of the members of the Security Council and issued as a document of the Council.

(Signed) Adamantios Th. Vassilakis

Chairman
Security Council Committee established
pursuant to resolution 1572 (2004)
concerning Côte d'Ivoire



Letter dated 29 November 2005 from the Group of Experts on Côte d'Ivoire addressed to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

We have the honour to transmit herewith an update report of the Group of Experts, in accordance with paragraph 2 of Security Council resolution 1632 (2005).

(Signed) Atabou **Bodian**
Chairman

(Signed) Alex **Vines**

(Signed) Jean-Pierre **Witty**

**Update report of the Group of Experts submitted pursuant
to paragraph 2 of Security Council resolution 1632 (2005)
concerning Côte d'Ivoire**

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Abbreviations

DUS	Droite unique de sortie
ECOWAS	Economic Community of West African States
FACI	Force aérienne de la Côte d'Ivoire
FANCI	Forces armées nationales de la Côte d'Ivoire
FN	Forces nouvelles
IMF	International Monetary Fund
NGO	Non-governmental organization
UNOCI	United Nations Operation in Côte d'Ivoire

I. Introduction

1. The present report is an update by the Group of Experts on Côte d'Ivoire, as requested by the Security Council in its resolution 1632 (2005). It is an update of the previous report of the Group of Experts (S/2005/699).
2. By its resolution 1632 (2005), the Security Council extended the mandate of the Group of Experts established pursuant to resolution 1584 (2005). The Secretary-General thereby reappointed the members of the Group of Experts on Côte d'Ivoire on 2 November 2005 (S/2005/696).
3. The Group was requested by the Security Council to submit its update before 1 December 2005, prior to the expiry of its mandate on 15 December 2005.

II. Methodology of the investigation

4. In its investigation, the Group of Experts relied on fully authenticated documentary evidence. Where that was not possible, the Group required at least two credible and verifiably independent sources of information to substantiate a finding. The Group has investigated a number of cases to establish if violation of Security Council sanctions occurred. Allegations against States, individuals and enterprises have been put to those concerned, to allow them the right of reply. The Group of Experts consists of its chairperson and civil aviation expert Atabou Bodian (Senegal); an expert on weapons sanctions-busting, Alex Vines (United Kingdom of Great Britain and Northern Ireland); and an expert on customs control, Jean-Pierre Witty (Canada). The Group has been assisted by a consultant with financial and diamond investigative experience, Agim De Bruycker (Belgium).
5. The Group of Experts began its renewed mandate on 2 November 2005 and consulted with the Committee soon afterwards in New York. Following additional consultations with other United Nations agencies, States, and individuals in New York, the Group visited Côte d'Ivoire, Benin, France, Guinea, Mali, Nigeria, Togo, the United Kingdom of Great Britain and Northern Ireland and the United States of America.
6. With the exception of the Republic of Guinea, the Group was well received. Despite repeated promises made in Conakry, the Group was unable to meet with any officials or receive promised documents about Forces nouvelles incursions into Guinea. During its previous mandate, the Group had visited Guinea three times in an effort to receive the promised documents without success.
7. The priority of the Group was Côte d'Ivoire. Its customs expert remained there from 5 November to 1 December 2005. In Côte d'Ivoire, the Group liaised closely with the political, police and military branches of the United Nations Operation in Côte d'Ivoire (UNOCI). The Group noted that coordination between the different branches of UNOCI greatly improved, making its mission more efficient. The Group visited Abidjan, Bouaké and Tortiya and met senior officials of the Government and Forces nouvelles (FN).
8. The Minister of Defence of Côte d'Ivoire sent on 30 November 2005 a written response to the report of the Group of Experts (S/2005/699). The Group welcomed that as it had encouraged the Ministry to make a submission by 1 December 2005 (see annex II).

9. The Group also met with the French forces (Licorne) in Côte d'Ivoire, as required under resolution 1584 (2005), and was fully briefed by them on their efforts to monitor the embargo.

III. Political context

A. Demobilization and disarmament

10. The political situation in Côte d'Ivoire remains fragile and unpredictable, as highlighted by the sixth progress report of the Secretary-General on UNOCI (S/2005/604), the seventeenth report of the Tripartite Monitoring Group, covering the period from 1 to 31 August 2005 (S/2005/611), the report of the High Representative for the elections in Côte d'Ivoire (S/2005/584), and Security Council resolution 1633 (2005).

11. On 17 November, the Group finally met the Deputy Secretary-General, General Bakayoko and zone commanders of FN in Bouaké. As reported in paragraph 13 of the report of the Group of Experts (S/2005/699), FN had previously failed to meet the Group and had impeded its investigation on a number of occasions. FN promised that future expert groups would be better received and that it would send written comments to the Group by 1 December 2005, in response to its report (S/2005/699). No such submission has been received.

12. The submission of lists of weapons by the regular army and FN remains an important prerequisite for disarmament. The Forces Armées Nationales de la Côte d'Ivoire (FANCI) submitted lists to UNOCI in August 2005, but FN has failed to do so. The Group of Experts requested such lists from FN during its Bouaké meeting, and was informed that FN had requested the Mbeki Facilitation Mission of the African Union to conduct a simultaneous audit of Government and FN weapons stocks. The representative of the Mbeki Facilitation Mission informed the Group that he had never received such a request but that he would contact the FN leadership for clarification.

13. A small step forward occurred on 16 and 17 September, when the FN Anaconda Battalion in Bouaké provided a limited number of weapons for UNOCI inspection. That exercise illustrated the difficulties in drawing up comprehensive inventories. Forty-three firearms were provided for inspection on the first day. The following day, the number declined to 33, 15 of which were new firearms that had not been previously recorded.

14. The active presence of ethnic and community militias continues to be a major source of instability, particularly in the western part of the country. In August and September 2005 a number of militias operating in the west were dismantled in the presence of the Ivorian authorities, UNOCI and the African Union Mediation. As of 1 September 2005, 4,800 militia members had been registered in that exercise, although no weapons have been collected so far.

15. As illustrated in table 1 of the report of the Group of Experts (S/2005/699), significant amounts of small arms and light weapons were imported into Côte d'Ivoire from 2002 until the imposition of restrictions contained in Security Council resolution 1572 (2004). The Group visited the Economic Community of West African States (ECOWAS) secretariat in Abuja, and met with its Executive

Secretary, its Defence and Security Department and its newly created small arms unit to discuss the 1998 ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons and its transformation into a binding regional convention. The Group was impressed with the small arms unit and saw potential for a close working relationship with Security Council Committees in West Africa and expert groups that have weapons embargo mandates. There was also clearly a need for ECOWAS to re-evaluate its arms exemption procedures and to design a better management system for such requests.

16. Côte d'Ivoire's adherence to the moratorium has been weak. In 2004 it requested only one exemption for light weapons imports, although the Group of Experts documented 16 individual shipments of light weapons and ammunition that year.

17. In May 2005, the Government of Côte d'Ivoire signalled that it might become more engaged in this regional initiative by nominating a head for a future national commission to implement the Moratorium. A plan is to eventually make the National Commission for Disarmament, Demobilization and Reintegration responsible for these functions. Since May there has been no further progress.

B. The media and sanctions

18. The Group of Experts conducted a comprehensive analysis of international and national written coverage of its report (S/2005/699). The report was issued on 7 November 2005, but the international press obtained access to a draft a month earlier and reported on it. In Côte d'Ivoire, the press did not report widely on it until the week of 14 November 2005. The Group notes that the French Ministry of Foreign Affairs had posted the report on its website by 11 November 2005, and that, on 17 and 18 November 2005, the Ivorian paper *Fraternité Matin* republished accurately the full text of the report. Although the Group reports (S/2005/699 and S/2005/470) were available following their publication on the United Nations website, only later were they up on the Committee website, where they are easier to locate.

19. The press focused on the rebuilding of the Ivorian airforce, defence expenditure and natural resources. There was some coverage of the presence of foreign technicians but little discussion about dual-use loopholes and the vulnerability of seaports and customs procedures for embargo violations. Most of the international articles were accurate, while some of the Ivorian press tried to undermine the report, including by suggesting that the Group was desk-bound in New York and had never visited the field. Having the full report and annexes more quickly accessible on the Committee website would have helped to counter such inaccurate reporting. The Director of Public Information of UNOCI could assist the Security Council Subsidiary Organs Branch of the Department of Political Affairs in setting up an efficient and responsive dissemination and media strategy.

IV. Defence expenditure and natural resources

20. The Group reported extensively in its report (S/2005/699, paras. 22-58) on high defence expenditure. According to the President of the National Assembly, the Government had spent 240 billion CFA francs (CFAF) on military hardware prior to the military crisis in early November 2004. The 2004 and 2005 official budgets for defence and security expenditure remain high, but show no indication of how the allocated funds are spent (see tables 1 and 2 below). The Government, in its meetings with the Group of Experts admitted it maintained high defence and security expenditure. The Security Council should encourage the Ivorian Government to submit a comprehensive breakdown of that expenditure for 2005/06 to the United Nations Standardized Instrument for Reporting Military Expenditures.

Table 1
Ministry of Defence Budget
(CFA francs)

	2004 (spent)	2005 (budget)
Personnel expenses	125 704 132 821	124 275 416 179
Allowances	5 846 218 946	6 024 818 737
Other expenses	24 685 916 843	18 484 758 561
Investment	12 300 000	5 696 900 000
Total	156 248 568 610	174 481 893 477

Source: Government of Côte d'Ivoire.

Table 2
Ministry of Security budget
(CFA francs)

	2004 (spent)	2005 (budget)
Personnel expenses	45 175 026 343	44 101 238 943
Allowances	5 846 218 946	6 024 818 737
Other expenses	1 854 276 851	2 100 077 036
Investment	3 570 463 578	3 535 700 000
Total	56 445 985 718	55 761 834 716

Source: Government of Côte d'Ivoire.

A. Cocoa

21. As reported by the Group in its report (S/2005/699), natural resources are an important funding source. Cocoa remains the prime source of revenue for the Government, as it is the largest exporter in the world. Total cocoa production for 2004/05 was around 1,230,000 tons. The 2004/05 crop is forecast to be 1.3 million tons. In 2003, exports generated \$2.3 billion from cocoa. An audit undertaken in 2003 has mapped a complicated situation of competing quasi-fiscal agencies that represent cocoa producers but increasingly seem to pursue their own interests and

claim tax on cocoa exports. It is possible to assess what revenue they generate but less easy to know what they spend that money on. As was reported in the previous report of the Group (S/2005/699), these agencies have permitted the diversion of cocoa revenue expenditure by the Government, including for military spending.

22. Bilateral donors and multilateral institutions such as the World Bank and the International Monetary Fund (IMF) wish to see full transparency of the cocoa sector. An audit of expenditures of cocoa revenues, especially of the *Bourse du cacao et du café* and the quasi-fiscal agencies such as the *Fonds de développement et de promotion des activités des producteurs de café et de cacao*, is critical, as in the past they have been used as avenues to procure military hardware (see S/2005/699, table 2).

23. High duties have also acted as an incentive for cocoa smuggling to Ghana and Togo. In an interview with Reuters on 25 November 2005, FN political leader Guillaume Soro admitted, "I took the decision that cocoa should not go to the ports of San Pedro and Abidjan because we are in a war situation. It is not for us to send it down to Abidjan and give (President Laurent) Gbagbo the means to buy weapons to fight us. That would be stupid. That is why we decided the cocoa should go up and leave through other ports — Guinea, Togo and Ghana. We have set up a tax system and this money is used for the rebellion."

B. Petroleum

24. Oil production is becoming an increasingly important source of revenue for the Government, which has grown from 194 million CFAF in 2003 to 253 million CFAF in 2004 and to 471 million CFAF in 2005. The World Bank estimates that it will triple to 1,140 million CFAF in 2006 and to 1,068 million CFAF in 2007. This steep increase is because the Canadian Natural Resources (CNR) International Baobab oilfield came into production in 2005 and is expected to reach production of 50,000 barrels per day. CNR has been producing oil from the Espoir field since 2002. Production from these two fields is governed by two production-sharing contracts. Under the contracts, revenues are divided into cost recovery and profit revenue. The Government chose to uplift its own quota of crude oil production from the Espoir field to sell on the international spot market, which is not the case with the Baobab field. The United States firm Devon Energy Corporation is also an operator of the Lion and Panthere fields, which produce nearly 20,000 barrels per day on block CI-11. Under its budget for 2005, Côte d'Ivoire estimated \$35 per barrel for production. That is clearly a significant underestimate given current oil prices, and it is unclear where the surplus funds would go.

25. Signature bonus payments in Côte d'Ivoire are small and companies such as CNR have announced them to the press. On 27 October 2005, the United States-based Vanco Energy Company announced that it had paid \$3 million for exploration rights to blocks CI-101 and CI-401. Other companies, such as Energetic of South Africa, which was awarded two licences for CI-12 and CI-104 in mid-November 2005, and the Italian company Edison, which signed for block CI-24 on 3 November, are less transparent. Public disclosure of oil taxes and royalties is important, and, according to the World Bank, Côte d'Ivoire should participate in the Extractive Industries Transparency Initiative. Currently, such payments do not appear in State budget projections, so there is no trace of the size of the funds or where they go.

C. Diamonds

26. The findings of the Group on diamonds are described in detail in paragraphs 47 to 58 of its report (S/2005/699). The international media, non-governmental organizations (NGOs) and the Kimberley Process have picked up on that information. In a final communiqué of the Kimberley Process plenary meeting in Moscow, held from 15 to 17 November 2005, the Russian presidency announced the setting up of a special working group to deal with conflict diamonds from Côte d'Ivoire. UNOCI informed the Group that it was ready to assist with logistical support any investigation by the special working group of the Kimberley Process.

27. FN was defensive about its diamond production when the Group met its leadership in Bouaké on 17 November 2005. In an interview with Reuters on 25 November 2005, Guillaume Soro claimed that "This is our territory. It's the land of our ancestors. We are exploiting it in the interests of our own posterity. For the moment we don't have a system so that money from diamonds comes back to the Forces nouvelles."

28. FN allowed a joint team visit by the Group of Experts and UNOCI to the alluvial diamond production area of Tortiya, north of Bouaké. The Group visited the area on 18 November 2005 and observed that artisanal production continued.

29. On the day of inspection, the Group counted over 250 people working along a river and in diamond pits. The largest concentration was along a river and near the town. The Group was shown three carats of rough diamonds found that morning. A French national resident in Tortiya told the Group that a French mining company, SAREMCI, had ceased its activities in 2002 and that diamond production had declined dramatically from an average of 200,000 carats per year. The on-site visit confirmed that SAREMCI had ceased operations and that the infrastructure was deteriorating rapidly. Tortiya is clearly far less important for diamond production than Séguéla and its best diamonds are bought by Séguéla-based dealers who send their agents there on a regular basis. As reported in the Group report (S/2005/699), the diamonds are then illicitly exported, via Guinea and Mali.

30. FN was more relaxed in Tortiya than the Group had previously observed in Séguéla, but it also taxed economic activity around Tortiya. Vehicles entering and leaving Tortiya are obliged to pay a FN checkpoint tax of 3,000 CFAF, and are issued official FN receipts. In Tortiya and Séguéla FN appears to have set up a system of indirect taxation to capitalize upon the alluvial diamond trade. Timber production is probably more important than diamonds are for the FN economy and also important for the economy of Séguéla. Given the current high commodity prices for gold, alluvial gold production may be as financially important as diamonds. A number of alluvial diamond diggers had in November 2005 departed from Tortiya for Mali to work at alluvial gold deposits there.

V. Effectiveness of the sanctions

31. The Group of Experts believes that there are no gross violations of the sanctions currently, although Côte d'Ivoire ports, airports and land borders are easy to penetrate and vulnerable. There are plentiful supplies of arms in Côte d'Ivoire, making imports of large shipments of weapons unnecessary at the present time.

A. Ports and airports

32. In paragraphs 60 to 69 of its report (S/2005/699), the Group assessed the vulnerability of ports and airports. The fruit terminal at the Autonomous Port of Abidjan in particular was noted as a strategic location. The Group noted that unimpeded access by UNOCI to that part of the port remains challenging. On 24 October 2005, military and police from UNOCI were blocked from visiting the terminal after they received information about the suspicious unloading of cargo from a ship. After several hours of negotiation the team was allowed to proceed, but it proved too late to determine whether any suspicious cargo had been unloaded.

33. Since September 2005, UNOCI has also reported increasing problems of access to the port of San Pedro and hostility from the harbour master. Its team has recommended reducing the number of inspections to build good will. That recommendation will also weaken monitoring of compliance with the embargo and should be reassessed.

34. Licorne also reported to the Group its concern about the vulnerability of airports. The monitoring of airports late at night is poor, although, on further inspection by the Group, a number of flights regarded as suspicious were found to be engaged in legitimate business. As is described in case studies two and three, scheduled airlines, such as Ethiopian Airlines and DHL, appear to have been used in November 2005 by FANCI to import equipment and spare parts.

B. Regional and international compliance

35. The Group was pleased to observe continued awareness of Security Council resolutions 1572 (2004), 1584 (2005) and 1632 (2005). As noted in its previous reports (S/2005/699 and S/2005/470), understanding the specifics of the resolutions was not as good, and the Group believes that that could be improved by tighter definition of the scope of the embargo in a future resolution. Member States also noted that they could not fully implement resolution 1572 (2004), since the Security Council Committee had failed to designate the names of individuals and entities that would be subject to the travel ban and assets freeze. Those names would include those who had violated the four pillars of the sanctions regime by:

- Incitement to hatred and violence in the media
- Violation of the arms embargo
- Obstruction of the peace process
- Violation of human rights and international humanitarian law

36. Nevertheless, the Group observed that many States are complying with the embargo. There are several cases where States have acted on information documented by the Group in its report in paragraphs 114 to 122 (S/2005/699). The Togolese authorities, on 28 October 2005, issued Decree No. 2005 — 097 PR, which stopped all work on two Mig-23 "Floggers" and two Mi-8T helicopters at Lomé Airport until ownership can be proven (see annex III). The Group visited Togo in late November 2005 and was briefed about ongoing investigations by the authorities. French national Robert Montoya, of the Darkwood company, claims ownership of the Mi-8Ts, but was unexpectedly called to Europe on business during the visit of the Group to Lomé. Despite his absence, the Group observed that one of the Mi-8T aircraft was in the Darkwood hanger and the other one was outside; there

were no visible signs of additional refurbishment. Whether these aircraft belong to the Ivorian Government or to Darkwood remains to be firmly established.

37. On 2 December 2005, on authorization of the Defence Minister, the Togolese authorities searched Darkwood and two other companies run by Robert Montoya or his wife in Lomé.

VI. Possible violations of the sanctions

38. Prior to the embargo, significant shipments of weapons and associated military equipment were procured by the protagonists. They are well stocked and their current defence and security needs are mostly for transportation, spare parts and maintenance and training for their equipment.

A. Dual-use items

39. In its previous reports (S/2005/470 and S/2005/699), the Group highlighted the widespread confusion over the procurement and use of dual-use equipment in Côte d'Ivoire and sought guidance from the Security Council Committee. The Committee responded by saying it would look at each example provided by the Group on a case-by-case basis to reach an opinion. The Group provided a number of examples in its previous report (S/2005/699) and includes in this report two new cases. The slowness of the Security Council Committee in reaching any decision on past cases is itself eroding the impact of the sanctions.

Case study one: Update on 22 UAZ-3151 vehicles

40. In paragraphs 124 to 151 of its report (S/2005/699), the Group investigated in depth the supply chain and delivery of these vehicles. On 16 September 2005, the Ministry of Defence informed the Group that it had stored these vehicles until the Security Council Committee reached a verdict on whether they violated the embargo. The Group had been allowed to photograph 19 of the vehicles in July 2005, parked at a military barracks near the Ministry of Defence in Abidjan.

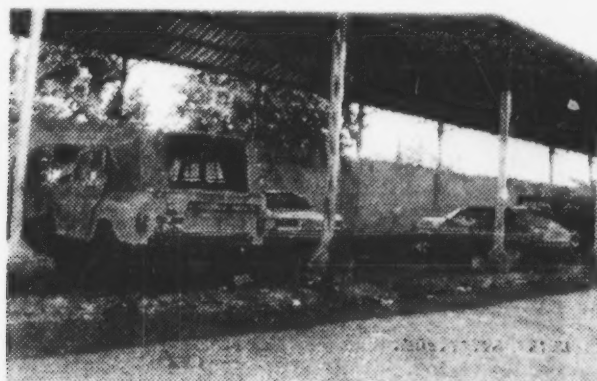
Photo 1: 19 UAZ-3151 vehicles at the Ministry of Defence in July 2005



Source: Group of Experts, Abidjan, July 2005

41. During its meeting with the Ministry of Defence on 24 November 2005 in Abidjan, the Group was informed that vehicles had been distributed for use by the Centre de commandement de opérations de sécurité and were used on patrols. The Group also observed only two UAZ-3151 vehicles parked at the same spot where it had photographed 19 of them in July 2005. A third vehicle was seen parked in another location. The Ivorian authorities have clearly decided not to wait any longer for a decision of the Security Council Committee. This case illustrates the need for quicker decision-making by the Committee.

Photo 2: Two UAZ-3151 vehicles at the Ministry of Defence in November 2005



Source: Group of Experts, Abidjan, November 2005

Case study two: DHL imports

42. On 24 November 2005 the Group noticed a DHL box in an office at the Ministry of Defence in Abidjan with the code number 8446298840 and DHL written in Chinese on its packaging. The package appeared newly opened and contained new green military boots and bags. When asked about the box, Ministry of Defence officials claimed it contained military materials manufactured in Côte d'Ivoire, although it was obvious to the Group from the quality of the military boots that that was an unsatisfactory explanation.

43. An investigation into the history of the box established that it had originated in Pudong, China, and had been dispatched on 15 November 2005. It was then shipped by DHL through Brussels and Lagos, arrived in Abidjan on 17 November at the DHL Service Centre and was forwarded for customs clearance immediately. Customs released the box to the DHL Service Centre on 23 November, and the box was delivered to its final destination on 24 November. The package must have been delivered and opened just prior to when the Group observed it at the Ministry of Defence at lunchtime on 24 November 2005. Although the Group attempted to obtain further details on the box, DHL declined to assist, claiming it needed to respect client confidentiality.

Case study three: AN-12 tyres

44. On 11 November 2005, UNOCI inspected cargo being unloaded from a scheduled flight of Ethiopian Airlines at Abidjan International Airport and found a consignment of nine AN-12 aircraft tyres destined for the Ministry of Defence.

45. That shipment was sent by Promex General Trading, in the United Arab Emirates. The client on the bill of lading is Afi-Technik p/c Ministry of Defence Abidjan; it is signed by Rajiv and dated 22 October 2005. The cargo had been loaded at Dubai for Abidjan by Ethiopian Airlines (see annex IV). Promex General Trading confirmed to the Group that they had dispatched 20 AN-12 tyres to Abidjan and that the freight charges had been paid in cash in their office in Sharjah by a person of African nationality. The person had paid for the tyres 10 months earlier, within the period of the United Nations sanctions.

Photo 3: AN-12 tyres for the Ministry of Defence



Source: Group of Experts, Abidjan Airport, November 2005

46. In November 2005, the Group visited the company Afi-Technik in Abidjan and interviewed the director of the company. The company mainly deals in spare parts for vehicles. When the Group showed the director the manifest, he denied that he had ever ordered the tyres and said that the name of his company had been abused on the document. The director has no suppliers from the United Arab Emirates and works mostly with suppliers in Europe.

47. The director also provided several invoices for spare parts ordered for the Ministry of Defence (spark plugs, hydraulic lines, small pistons and four engines), but was clear that he had never ordered tyres for an AN-12 aircraft. He also informed the Group that "some time ago" two individuals met him at his office and apologized for using his company name. One of those individuals works for the Ministry of Defence in the procurement section.

48. This case study once more illustrates the Ministry of Defence pro-activity in seeking to repair and maintain its air force.

Case study four: Mercenaries and mechanics

49. In late October 2005 the New York-based NGO Human Rights Watch alleged that there had been renewed recruitment of youth in Liberia for military services in Côte d'Ivoire. Given its short mandate, the Group of Experts was unable to verify that information, but it requested the assistance of the Panel of Experts on Liberia, pursuant to Security Council resolution 1607 (2005), to investigate and report on the issue.

50. Foreign nationals continue to play a role in maintaining the air assets of Côte d'Ivoire, especially its Mi-24P helicopter and its AN-12 transport aircraft. The Ivorian authorities confirmed to the Group that eight Belarusian technicians and two Ukrainian nationals provide advice but claimed that they do not work on the aircraft and are attached to contracts arranged prior to the embargo. They also claimed that the AN-12 is not a military aircraft and is therefore not sanctioned.

51. The Group and UNOCI have observed those individuals working on both aircraft and have photographs and multiple reports to prove this. The AN-12 is also on lists provided to the Group by FANCI and is registered to the military. It has been observed by UNOCI to fly on military and non-military missions. The efforts of the Ministry of Defence to maintain its air force has been described in depth in paragraphs 101 to 113 of its report (S/2005/699). The importation of AN-12 tyres described in case study three above is further evidence that that is a priority.

52. A South African national who advised FANCI, as reported in the Group report (S/2005/699), had departed from Côte d'Ivoire for Sudan by September 2005. The Group also tried to contact Michel Kapylou, a Belarus official who had been resident in Côte d'Ivoire until at least May 2005. According to Ivorian officials, he had worked for the Belarus Ministry of Defence as part of their defence contracts but had left Côte d'Ivoire. The Government of Belarus denies any knowledge of him (see S/2005/699, annex XVII).

VII. Observations

53. The Group of Experts stands by its observations in paragraphs 168 to 178 of its report (S/2005/699). Regarding fiscal transparency, the Group wishes to

emphasize that a comprehensive, independent and credible international financial audit of the expenditures of the *Bourse du cacao et du café* and the quasi-fiscal agencies would ensure that any diversion for defence and security purposes could be tracked. The European Union, the World Bank and the IMF would support such an exercise.

54. The Secretariat needs to improve its efforts to publicly disseminate reports of the Group of Experts on Côte d'Ivoire and should work out an efficient strategy with the Director of Information of UNOCI.

55. The pace of decision-making of the Security Council Committee regarding violations needs to be quickened, as lengthy delays can erode the effectiveness of the sanctions.

56. The Group also noted that Côte d'Ivoire has not made submissions to the United Nations Register of Conventional Arms and recommends that it does so by submitting a baseline statement of acquisitions currently in its possession (with the year and export country indicated). The Group also encourages Côte d'Ivoire to invest in creating a viable National Commission for the ECOWAS Moratorium on Small Arms and Light Weapons and to play an active role in the negotiations to transform the Moratorium into a binding regional convention.

57. Currently there is a "dual-use" loophole for military imports. This could be remedied by the Security Council drafting a tighter definition when it reviews the sanctions regime.

58. The Group recommends that the Security Council call upon FN to provide UNOCI with a comprehensive inventory of the weapons in its possession as a matter of urgency.

59. There is widespread frustration on the part of Member States at not being able to implement fully Security Council resolution 1572 (2004) because the Committee has failed to provide them with names of individuals or organizations for an assets freeze or travel ban. The Committee needs to clarify that situation as a matter of urgency.

Annex I**Meetings and consultations****Benin***Government*

Ministry of Foreign Affairs

Multilateral and bilateral agencies

UNDP

Côte d'Ivoire*Government*

Ministry of Foreign Affairs

Ministry of Defence

Ministry of Transport

Ministry of Tourism

Office of the President

Hotel Ivoire

Armed non-State actors

Forces nouvelles

Multilateral and bilateral agencies

European Commission

ECOWAS

Licorne

UNDP

UNOCI

The World Bank

Diplomatic entities

Embassy of Benin

Embassy of Brazil

Embassy of Canada

Embassy of Japan

Embassy of Nigeria

Embassy of South Africa

Embassy of the United Kingdom of Great Britain and Northern Ireland

Embassy of the United States of America

Private sector

Afi-Technik

CNR International (Canadian Natural Resources)

DHL

Pathfinder

Public media

BBC World Service
Voice of America

France

Multilateral and bilateral agencies

Centre d'études et de recherches internationales

Private sector

Africa Energy Intelligence

Guinea

Diplomatic entities

Embassy of France

Multilateral and bilateral agencies

UNDP

Mali

Government

Centre d'études stratégiques

Diplomatic entities

Niger Foreign Ministry delegation

Multilateral and bilateral agencies

UNDP

Nigeria

Government

Ministry of Foreign Affairs

Multilateral and bilateral agencies

ECOWAS

UNDP

Diplomatic

High Commission of Canada

Embassy of the United States of America

Private sector

Reuters

Togo

Government

Ministry of Foreign Affairs
Ministry of Defence
Ministry of Transport

Multilateral and bilateral agencies

UNDP

Private sector

Africa West
Maison du journalisme

United Kingdom of Great Britain and Northern Ireland

Government

Foreign and Commonwealth Office

Multilateral and bilateral agencies

Royal Institute of International Affairs (Chatham House)

United States of America

Government

Department of State

Multilateral and bilateral agencies

Center for Strategic and International Studies
The Henry L. Stimson Center
Human Rights Watch
The International Monetary Fund (IMF)
The World Bank

United Nations

Department for Disarmament Affairs
Department of Peacekeeping Operations
Department of Political Affairs

Permanent Missions

Côte d'Ivoire

Annex II

Ivorian Ministry of Defence submission to the Group, 30 November 2005

MINISTRY OF DEFENCE
CABINET

REPUBLIC OF CÔTE D'IVOIRE
Union-Discipline-Work

Abidjan, 30 November 2005

OBSERVATIONS ON THE REPORT OF THE UNITED NATIONS GROUP OF EXPERTS ON COMPLIANCE WITH THE EMBARGO

On 18 November 2005, the Ministry of Defence of the Republic of Côte d'Ivoire received a copy of the final report of the Group of Experts on Côte d'Ivoire established pursuant to paragraph 7 of Security Council resolution 1584 (2005). The meeting with the United Nations Group of Experts, led by its chairperson, Mr. Atabou Bodian, was held in the conference room of the Ministry of Defence at 10.30 a.m.

- Having examined the report of the Group of Experts and considered it in context, we have the following observations.

In application of resolution 1572 of 15 November 2004, an embargo on arms, materiel and other services intended for military purposes was imposed on Côte d'Ivoire. The Security Council established a Group of Experts to monitor compliance with the embargo.

The mission of the Group of Experts was:

- to examine and analyse information gathered by the United Nations Operation in Côte d'Ivoire (UNOCI) and the French forces which support it; and
- to gather and analyse all relevant information in Côte d'Ivoire, countries of the region and, as necessary, other countries, on flows of arms and related materiel, and the provision of assistance, advice and training related to military activities.

It should be noted at the outset that the objective of the embargo established by resolution 1572 of 15 November 2004 is to prevent any further violation of the ceasefire agreement of 3 May 2003 and the resumption of hostilities in Côte d'Ivoire.

The observations of the Government of Côte d'Ivoire refer both to the form and the substance.

As to the form:

Thirty-one out of 42 pages in the report of the Group of Experts of the United Nations are devoted to describing the arms and activities of the regular defence and security forces of Côte d'Ivoire, *before* and *after* the adoption of resolution 1572 of 15 November 2004 establishing the arms embargo.

Except for the document on the programme of meetings between the Group of Experts and the institutions, groups and private agencies, the annexes to the report refer only to activities of the regular army of Côte d'Ivoire or of persons that have a relationship with the Ministry of Defence of Côte d'Ivoire.

As to the substance:

Although it recognizes that the Forces nouvelles have not collaborated as they should and have hindered their investigation, the Group of Experts takes an approach in its report on the governmental forces of Côte d'Ivoire that is very confusing.

Resolution 1572, establishing the arms embargo, was adopted on 15 November 2004.

The report refers to events without specifying any dates. Thus, references are made to the existence of unarmed groups of young people, such as FESCI (Fédération Etudiante de Côte d'Ivoire) or GPP (Groupement Patriotique pour la Paix), and armed groups such as MILOCI, FLGO AP-WE; some of those groups, such as FESCI, have been in existence for over 10 or 15 years, and all the rest have been in place for over two years, at least. They did not come into existence after the establishment of the embargo.

Resolution 1572 of 15 November 2004 is not retroactive; therefore, it cannot be applied to events that occurred prior to 15 November 2004.

From this standpoint alone, the Group of Experts did not consider it necessary to include in the short introduction a warning that the report might be misleading. This observation is also valid for other issues mentioned, such as the presence of foreign workers from Belarus, Ukraine, France, Russia, Israel and others.

This is also the case with the two Mig 23 aircraft at the Lomé airport, which were exchanged for two Sukhoi aircraft well before the embargo of 15 November 2004. The foreign workers were also under contract well before the embargo.

After 15 November 2004, most of the foreign workers' contracts were terminated. Of a total of approximately thirty foreign workers, we only kept five to provide maintenance for those aircraft that were still fit to fly. The contracts of the remaining 25 workers were rescinded in order to comply with the text and the spirit of resolution 1572 of 15 November 2004.

Concerning the 22 UAZ-3151 vehicles, the Ministry of Defence stated that from the beginning the Ministry had ordered munitions. The order had not been completed when resolution 1572 was adopted. In view of the new situation created by the embargo, the Ministry decided to take delivery of jeeps which, according to General Fall, "do not constitute in themselves military equipment". He adds "that they could be used by the military for carrying commanders/key persons in the battlefield and used as mobile unit platforms to mount medium calibre weapons".

These observations by General Fall should cause any investigator to pursue more reliable leads in looking for evidence.

When members of the Ministry of Defence raised questions as to why 4/4 vehicles were considered to be military vehicles, the chairperson of the Group of Experts replied that the Security Council had not yet reached a verdict. This is a difficult question because saying that a 4/4 vehicle is a military vehicle would mean that purchasing any 4/4 vehicle in a country that is under embargo would be a violation of the embargo.

It is just common sense to say that a jeep, or 4/4 vehicle, does not constitute military equipment unless it can be shown that it has been used for carrying arms in the

battlefield. The 22 vehicles in question have never been used to carry arms; moreover, they are considered to be intended for practical use. The police did not show much interest in these vehicles because they did not find them "comfortable" enough. They were to be assigned to CECOS (Centre de Commandement des Opérations de Sécurité), a joint Police and Gendarmerie unit. In the end, they were assigned to the gendarmerie brigades that needed them.

As religious people say, "When in doubt, abstain ..."

But suffice it to say that in a more scientific, if not more stringent, legal analysis, the general principles of law provide that any legal rule that might limit the rights of individuals should be interpreted in the strict sense. We merely recall this general principle of law to point out that the terms of resolution 1572 establishing the embargo should be interpreted in the narrow, not the broad, sense; in other words, do not go beyond what the embargo authorizes.

In this case, the jeeps, as General Fall stresses in his report to the United Nations, "do not constitute in themselves military equipment". They would only be military vehicles if arms were mounted on them and/or they were used in the battlefield.

If, in exceptional cases, the procurement of a 4/4 vehicle constituted a violation of an arms embargo simply because the 4/4 or jeep-type vehicle was included on a list maintained by the Security Council committee monitoring the embargo, as Mr. Tabou Bodian, chairperson of the Group of Experts, seems to imply, then the Government of the Republic of Côte d'Ivoire would request that this list of vehicles should not be communicated subsequent to the adoption of resolution 1572, in order to disclaim its responsibility.

Finally, with regard to the idea of repairing or reconstituting the Ivorian air fleet, we would simply point out that we have never made a mystery of this. We reported the matter to the United Nations sanctions committee in several messages dated 16 February 2005.

These e-mails were requests for authorization to send abroad the aircraft that needed to be returned to the manufacturer for repair, either for spare parts to repair four (4) Puma aircraft or to replace a leased helicopter that was destroyed by the French forces. The chairman of the sanctions committee, Mr. Adamantios Vassilakis, confirmed on 20 October 2005 at Abidjan that the e-mails had been received, and assured us that he would regularly submit the file to the sanctions committee for review and follow-up. We are waiting for this to happen. Incidentally, the main request for derogation was affirmed in resolution 1572 in its article 8 (b), which provides that measures imposed by article 7 shall not apply to "supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as approved in advance by the Committee established by paragraph 14" of the same resolution. Hence, Côte d'Ivoire has requested authorization to procure non-lethal military equipment for humanitarian and protective use.

That is why we avail ourselves of every opportunity to protest on this matter, because there is a tendency to make hasty generalizations and tendentious insinuations, when a strictly scientific approach should be taken.

It is important to ensure that interventions from the international community, specifically the United Nations, do not cause a stalemate in the conflict. That would

be a discredit to the international community and discourage Member States from making use of internal regulatory and problem-solving mechanisms in international relations.

In conclusion, we wish to stress that the United Nations Group of Experts has not been able to establish conclusively that the Republic of Côte d'Ivoire did in any way violate Security Council resolution 1572 during the period between 15 November 2004 and 7 November 2005. Finally, Côte d'Ivoire takes note of the final report of the United Nations Group of Experts, dated 7 November 2005, subject to the remarks based on hasty generalizations and regrettable insinuations being withdrawn and subject to the application of the principles of non-retroactivity of laws and strict interpretation of legal rules that might limit the rights of individuals.

The Minister of Defence
(Signed) AMANY René

Annex III

**Togolese Presidential Decree No. 2005-097 PR on Mig-23
and Mi-8T aircraft**

The Presidency of the Republic

The Togolese Republic
Work — Liberty — Country

Decree No. 2005-097 PR

Impoundment of MIG 23 and MI-8 aircraft as a precautionary measure

The President of the Republic

- In view of United Nations Security Council resolution 1572 (2004) of 15 November 2004, in particular paragraphs 7, 8 and 14,
- In view of the Constitution of 14 October 1992, as amended by Act No. 2002-028 of 31 December 2002, in particular article 58,

On the report of the Minister attached to the Presidency and responsible for defence and former combatants,

Decrees

Article 1

The MIG 23 aircraft with registration Nos. 27204 and 27219 parked at the Lomé Transport Base and the two MI-8 aircraft parked at the Gypaele-Darkwood parking area in Lomé are hereby impounded as a precautionary measure and commended to the safekeeping of the Minister attached to the Presidency and responsible for defence and former combatants.

Article 2

Their owners shall have two months from the date of publication of this decree to submit to the said Minister a request for the exemption contemplated in resolution 1572 (2004), paragraph 14(c).

Article 3

This decree shall be published in the Official Journal of the Togolese Republic.

DONE at Lomé on [illegible]

(Signed) Faure Essozimna Gnassingbe

(Signed) Edem Kodjo
Prime Minister

Certified copy

The Director of the Office
of the President of the Republic
and, by delegation, the chargé de missions
for the Presidency of the Republic
(Signed) Essomanam Edjeba

Original bill of lading for AN-12 tyres

S/2006/204

P

071DXB 12438861

071-12438861

Shipper's Name and Address PROMEX GENERAL TRADING P.O. BOX 20112 AJMAN UAE FAX 065325337 PHONE 065325538		Shipper's Account Number 000000086404		Noted by ETHIOPIAN Air Waybill ETHIOPIAN AIRLINES, ADDIS ABABA, ETHIOPIA Member of I.A.T.A.	
Consignee's Name and Address AFI-TECHNIK P/C MINISTERE DEFENSE BP 711 ABIDJAN REPUBLIQUE DE COTE D'IVOIRE FAX 22322405030 PHONE 22325383750		Consignee's Account Number		It is agreed that the goods described herein are consigned in apparent good order and condition (except as noted) for carriage SUBJECT TO THE CONDITIONS OF CONTRACT ON THE REVERSE HEREOF. ALL GOODS MAY BE CARRIED BY ANY OTHER MEANS INCLUDING ROAD OR ANY OTHER CARRIER UNLESS SPECIFIC CONTRARY INSTRUCTIONS ARE GIVEN HEREON BY THE SHIPPER, AND SHIPPER AGREES THAT THE SHIPMENT MAY BE CARRIED VIA INTERMEDIATE STOPPING PLACES WHICH THE CARRIER DEEMS APPROPRIATE. THE SHIPPER'S ATTENTION IS DRAWN TO THE NOTICE CONCERNING CARRIER LIMITATION OF LIABILITY. Shipper may increase carrier's liability by declaring a higher value for carriage and paying a supplemental charge if required.	
Booking Office's Name and Address DHATA C.T.O. Cargo Terminal Operator acting as OHA on behalf of ET		Freight Information FREIGHT PREPAID CASH		Insurance Information NVD NCV	
Agent's IATA Code 86-4-9068		Agent's No.		Declared Value for Carriage NVD NCV	
Agent's Description of Goods (and suggested Packing) DUBAI		By Air Carrier ABJ ETHIOPIAN AIRLINES		Amount of Insurance XXX	
Handling Information 20PCB HKD/CMD BE-11.1.5.008-2634		By Sea Carrier		Insurance - If marine risks insurance and such insurance is required in accordance with conditions on reverse hereof indicate carriers to be insured in figures in last marked Amount of Insurance	
No. of Pieces 20	Gross Weight 815.00K	Net Weight 815.00	Chargeable Weight 815.00	Rate AS HKDCU	Measure and Quantity of Goods (and Dimensions or Volume) AIRCRAFT PARTS (TYRES) 72x92x26T16 85x85x26T4
Prepaid		Weight Charge		Collection	
Volume Charge		Other Charges		LPAS.00P MYC1508.00P INC326.00P AWA35.00P NCC33.00P CHAS7.00P	
Tax		Total other Charges Due Agent		89.00	
Total other Charges Due Carrier		1829.00		Signature of Shipper or his Agent	
Total prepaid		1758.00		22-OCT-2005 22:24 DXB	
Quoted Commission (if any)		No charge to Shipper		Rajiv	
By Carrier (if any)		Charges at Destination		Signature of Booking Office or its Agent	

Original 3 - (For Shipper)

Annex V



**General Assembly
Security Council**Distr.: General
31 March 2006

Original: English

General Assembly
Sixtieth session
Agenda items 14 and 108**Security Council**
Sixty-first year**The situation in the Middle East****Measures to eliminate international terrorism****Identical letters dated 30 March 2006 from the
Chargé d'affaires a.i. of the Permanent Mission of Israel
to the United Nations addressed to the Secretary-General
and the President of the Security Council**

I am writing to inform you of a devastating terrorist attack that was perpetrated against Israel this evening.

At approximately 9.45 p.m., at least three people were murdered when a Palestinian suicide bomber blew himself up in a car at a gas station in the West Bank. According to initial reports, a Palestinian from Hebron had blown himself up next to a car packed with Israelis. The attacker had apparently been planning to carry out a suicide attack at a crowded destination; however, his explosives detonated prematurely at the gas station.

This deplorable terrorist attack comes at a very sensitive and fragile period in our relations with the Palestinian Authority. Only a few hours prior, in a statement during the monthly briefing on the situation in the Middle East at the Security Council, we had remarked: "As we sit here today, the next terrorist attack against Israel is being financed and planned and is nearing execution." It causes me great sorrow to note that this very attack occurred just minutes after the time of our deliberations.

We call on the international community to condemn this tragic attack, and employ its utmost efforts to bring about the participation of a genuine partner on the Palestinian side who will unequivocally reject terrorism, in all its forms, and comply with the very first requirement in the road map, namely to fight terrorism and begin to dismantle the terrorist infrastructure.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the sixtieth session of the General Assembly, under agenda items 14 and 108, and of the Security Council.

(Signed) Ambassador Daniel Carmon
Chargé d'Affaires a.i.
Deputy Permanent Representative



**Security Council**

Distr.: General
31 March 2006

Original: English

**Letter dated 30 March 2006 from the Secretary-General
addressed to the President of the Security Council**

I have the honour to refer to paragraphs 5 and 6 of Security Council resolution 1650 (2005) of 21 December 2005, by which the Council authorizes the temporary redeployment of military and civilian police personnel between the United Nations Operation in Burundi (ONUB) and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

Having consulted with the Government of the Democratic Republic of the Congo, MONUC and ONUB, and in view of the requirements outlined in my report to the Security Council of 26 May 2005 (S/2005/320), it is my intention, subject to a decision by the Council, to temporarily redeploy one infantry battalion, a military hospital and up to 50 military observers against the authorized ceiling of ONUB on military personnel to MONUC for an initial period ending 31 December 2006. The battalion, which would operate in the central area of Katanga Province in the Democratic Republic of the Congo, would carry out the mandate entrusted to MONUC by the Council in its resolution 1291 (2000) of 24 February 2000 and all subsequent relevant resolutions on the Democratic Republic of the Congo. The military observers would be deployed in teams to various areas of the Democratic Republic of the Congo in the context of the increased military observer capacity required during the electoral process.

The relevant countries contributing troops to ONUB, namely, Jordan and Pakistan, have indicated their agreement, in principle, to such a temporary redeployment. The deployment of the military observers will be subject to agreement by the concerned contributing countries. A formal agreement between the United Nations and the Government of the Democratic Republic of the Congo allowing ONUB contingent members to operate on Congolese territory is in the process of being concluded.

Costs related to the temporary redeployment would be covered from within the budgets of ONUB and MONUC, as approved by the General Assembly.

I would be grateful if you would bring the proposal for the temporary redeployment of ONUB troops to MONUC, as outlined above, to the urgent attention of the Security Council.

(Signed) Kofi Annan

